UNITED
NATIONS

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Economic and Social
Council

Distr.
GENERAL

E/CN.4/1992/NGO/1
10 January 1992

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Forty-eighth session
Item 11 of the provisional agenda

FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION

Joint written statement submitted by Caritas Internationalis, Commission of the Churches on International Affairs of the World Council of Churches and Friends World Committee for Consultation (Quakers), non-governmental organizations in consultative status (category II)

The Secretary-General has received the following communication, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[5 December 1991]

INTERNALLY DISPLACED PERSONS

1. At its forty-seventh session, the United Nations Commission on Human Rights adopted resolution 1991/25 entitled "Internally displaced persons". The resolution was introduced by the delegation of Austria and sponsored by Australia, Bulgaria, Canada, Costa Rica, Cyprus, Czech and Slovak Federal Republic, Finland, France, Greece, Hungary, Lebanon, Norway, Panama, Poland, Senegal, Union of Soviet Socialist Republics and the United Kingdom. The resolution was warmly welcomed by non-governmental organizations as a significant first step in focusing international attention on the protection and assistance needs of persons who are displaced within their own country.

2. Millions of people are internally displaced within their national borders often because of armed conflicts, civil and ethnic strife, gross violations of human rights and forced relocation. Persons who are internally displaced are to be found in all regions of the world. Displacement is a global problem and affects millions of people. They may find themselves in situations where they do not enjoy the protection of their Government and are often subject to serious human rights violations.

3. The majority of internally displaced persons flee their homes for the same reasons as refugees but because they remain within their own country they are not protected as refugees. Internally displaced persons must, therefore, look to the international community for protection as their own Government is either unwilling or unable to protect them. However, whether the victims find sanctuary within their own borders or across them is as much a matter of chance and geography as of forethought.

4. People who are internally displaced have been virtually ignored by the international community and no international intergovernmental organization is mandated to provide assistance and protection to them. However, when these persons are displaced through armed conflict or internal strife, the International Committee of the Red Cross (ICRC), according to its mandate as a specifically neutral and independent institution and intermediary, endeavours to ensure them protection and assistance. In other situations independent voluntary agencies provide wherever possible humanitarian assistance to internally displaced persons and are concerned about the many serious violations of their human rights.

5. In the case of armed conflict, persons displaced within their countries are protected by fundamental guarantees relating to the treatment of persons who do not take part in hostilities, under article 3 common to the four Geneva Conventions of 1949 and in Additional Protocol II of 1977 which relate to the protection of victims of non-international armed conflicts. In other situations existing human rights standards are applicable but they are not designed to meet some of the special needs of internally displaced persons.

6. Caritas Internationalis, Commission of the Churches on International Affairs (CCIA) and Friends World Committee for Consultation (Quakers) are deeply concerned about the very large numbers of internally displaced persons and the absence of any United Nations body to guarantee them international protection.

7. We propose that the United Nations Commission on Human Rights establish a mechanism at this session which would advance the protection of persons who are internally displaced. Through such a mechanism the Commission on Human Rights could, inter alia, seek and receive information, enter into dialogue with concerned Governments, undertake fact-finding missions, draft new protection guidelines and advise the Secretary-General on measures to be taken which would contribute to alleviating the plight of internally displaced persons.

UNITED
NATIONS

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Economic and Social
Council

Distr.
GENERAL

E/CN.4/1992/NGO/2
16 January 1992

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Forty-eighth session
Item 12 of the provisional agenda

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Written statement submitted by Habitat International Coalition, a non-governmental organization on the Roster

The Secretary-General has received the following communication, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[16 December 1991]

1. Under international human rights law, violations of social and cultural rights are equally serious as violations of civil and political rights, although this fact is commonly ignored or even denied in practice and in national legislation. A specific violation of these rights concerns the practice of forced eviction - the involuntary and illegal removal of a person, household or community from their home(s). Evictions continue to be carried out in a majority of Member States of the United Nations, despite the view of various United Nations human rights bodies that evictions constitute a gross violation of a range of human rights, in particular the right to adequate housing. This view has been formalized by both the Committee on Economic, Social and Cultural Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities. If, as is consistently reaffirmed, all human rights are indeed interdependent and indivisible, action by the Commission on Human Rights is long overdue.

2. The Committee on Economic, Social and Cultural Rights took the unprecedented step during its fifth session (1990) of concluding that the Government of the Dominican Republic had violated the right to adequate housing as contained in article 11(1) of the Covenant. The forced and violent eviction of over 120,000 persons from the cities of Santo Domingo and Santiago by the Government, in an attempt to "beautify" these cities for the preparation of celebrations surrounding the 500th anniversary of Columbus's landing there in 1992, led to this forward-looking and constructive contribution to international human rights jurisprudence.

3. More recently, in December 1991, the Committee in its General Comment No. 4 on the right to adequate housing, stated, inter alia, that "the Committee considers that instances of forced evictions are prima facie incompatible with the requirements of the Covenant and can only be justified in the most exceptional circumstances, and in accordance with the relevant principles of international law".

4. The Sub-Commission on Prevention of Discrimination and Protection of Minorities adopted by consensus on 26 August 1991 resolution 1991/12, entitled "Forced evictions". The first paragraph explicitly draws the attention of the Commission on Human Rights to both the fact that the practice of forced evictions constitutes a gross violation of human rights, in particular the right to housing, and to the need for immediate measures to be undertaken at all levels aimed at eliminating the practice of forced eviction.

5. Resolution 1991/12 continues by recommending that the Commission encourage Governments to undertake policy and legislative measures aimed at curtailing the practice of forced eviction, including the conferral of legal security of tenure to those currently threatened with forced eviction. Additional emphasis is placed on the importance of the provision of compensation and/or alternative accommodation, consistent with the wishes and needs of persons and communities forcibly or arbitrarily evicted, following negotiations with the affected persons or groups.

6. Habitat International Coalition encourages the Commission to act upon the recommendations found in resolution 1991/12 with a view to considering all possible activities that could be undertaken towards eliminating the rapidly growing global practice of forced evictions. Giving concrete substance to the range of economic, social and cultural rights, including the right to adequate housing, will require resolute and determined action by the Commission. To attain these aims, Habitat International Coalition respectfully suggests two specific, practical and attainable activities which could be carried out by the Commission on the issue of forced evictions: 1. The adoption of United Nations guidelines on the planning of international events; and 2. The appointment of a United Nations special rapporteur on evictions.

United Nations guidelines on the planning of international events

7. Through monitoring the practice of forced evictions throughout the world, Habitat International Coalition has noted a disturbing, although almost invariably ignored, tendency that forced evictions precede virtually all major international events. Olympic games, world's fairs (Expos), international conferences, Miss Universe contests, anniversaries, celebrations and other

events, while perhaps positive events in promoting international cooperation, have damaging impact upon low-income groups and those groups not fully enjoying the human right to adequate housing. Governments and the international financial institutions often seek to hide or justify these human rights violations, in the name of "the public good", "public relations" and "in the name of progress for development". Sometimes evictions are carried out in an obvious fashion, accompanied often by bulldozers and demolitions. However, an equal if not greater number of people are effectively evicted by more subtle and hidden means, such as rent increases, the denial of basic services, urban renewal and other less easily seen processes.

8. For example, the following selected international events, in chronological order, were preceded by various types of involuntary evictions in publicly justified attempts to "beautify" certain cities, tc increase available luxury hotel accommodation and to "hide urban poverty and slums": (a) visit of Her Majesty the Queen of England (Harare, Zimbabwe, October 1991); (b) annual meeting of the World Bank and the IMF (Bangkok, Thailand, October 1991); (c) 1992 Summer Olympic Games (Barcelona, Spain, 1990-1991); (d) preparations for the celebrations of the 500th anniversary of Columbus's landing in the Americas (Santo Domingo and Santiago, Dominican Republic, 1989-1991); (e) 1988 Winter Olympic Games (Calgary, Canada, 1987-1988); (f) 1988 Summer Olympic Games (Seoul, South Korea, 1981-1988); (g) 1988 World's Fair (Brisbane, Australia, 1988); (h) 1986 World's Fair (Vancouver, Canda, 1985-1986); (i) 1982 World's Fair (Knoxville, USA, 1981-1982); (j) 1982 Asian Games (New Delhi, India, 1981-1982); (k) Miss Universe pageant/visit of the Pope (Manila, Philippines, 1982); (l) annual meeting of the World Bank and the IMF (Manila, Philippines, 1976); and (m) 1967 World's Fair (Montreal, Canada, 1967).

9. Habitat International Coalition has also received reliable information concerning pending and planned evictions which are likely to be carried out in the near future prior to several international events. These include: further evictions in the community of La Cienega in the Dominican Republic, addressed in presidential decree 358-91 and set to evict up to 12,000 families, the 1992 Miss Universe Pageant (Bangkok, Thailand) and the 1996 Summer Olympic Games (Atlanta, USA).

10. The adoption and promotion by the Commission on Human Rights of a set of guidelines for the planning of international events could assist in creating practical policies upon which States could base plans prior to convening such events. Evictions during the planning stage of these activities need by no means be inevitable and international guidelines can go a long way towards promoting international understanding and cooperation, while simultaneously protecting the rights of vulnerable groups.

<u>The appointment of a United Nations special rapporteur on evictions</u>

11. The appointment of a thematic special rapporteur on evictions by the Commission could assist greatly in limiting a form of human rights violation which year after year denies some of the most fundamental rights to millions of persons throughout the world. As a wide variety of distinct yet interrelated developments indicate that evictions are a growing global

phenomenon, the importance of concrete United Nations action on preventing evictions and finding viable and suitable alternatives to this practice is indisputable.

12. A special rapporteur on evictions could carry out several central functions. Firstly, the potential and actual victims of evictions - a group with virtually no access to international legal remedies or redress - would, like victims of other human rights violations, finally have direct access to United Nations human rights and legal protection. If requested, the rapporteur should be mandated to carry out on-site fact-finding missions aimed at evaluating the human rights implications of a planned or actual eviction. The huge group of victims of illegal abuse resulting from eviction requires enhanced consideration from the international community.

13. Secondly, a rapporteur on this issue could play an infinitely important role in searching for and advocating alternatives to forced eviction, placing due emphasis upon the fundamental right of all women and men to a secure place to live in peace and dignity. The United Nations special rapporteur on eviction, once aware of a planned mass eviction, could be requested to intervene as an independent intermediary between the evictors and the evicted, aiming most importantly at preserving and protecting the housing rights and housing freedoms of the world's citizens.

14. Thirdly, a rapporteur on this issue could attempt to document national legislation which impinges in any way on the right to housing through the eviction process, with a view to suggesting amendments such that the relevant legislation can be adapted so as to guarantee people's housing rights. Such a mandate could lead eventually to a compilation of legislative principles geared towards developing a United Nations human rights instrument aimed at halting evictions.

15. Fourthly, the annual preparation, distribution and compilation of reports outlining the details of evictions in a global sense and wherever they occur, will provide the Commission on Human Rights with a unique and comprehensive overview of this practice - something at present which is totally lacking.

16. Fifth, and finally, the special rapporteur on evictions could also explore the development of a set of reliable and accurate "eviction indicators", geared towards assessing the human rights impact of policies and practices promoted by international and bilateral development and financial agencies, which result in forced evictions.

17. Habitat International Coalition respectfully requests the Commission on Human Rights to consider the advantages for the advancement of legal and human rights inherent in adopting United Nations guidelines on the planning of international events and of appointing a United Nations special rapporteur on evictions, as substantial and concrete steps towards enhancing global respect for economic, social and cultural rights, in particular the right to adequate housing - a right still denied to over one billion persons throughout the world. At an absolute minimum, the Commission should adopt its own resolution equating forced evictions with gross violations of human rights and affirming the work on housing rights currently under way in the Sub-Commission.